



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

---

নং 102 দিশপুৰ, সোমবাৰ, 2 মাৰ্চ, 2020, 12 ফাগুন, 1941 (শক)

No. 102 Dispur, Monday, 2nd March, 2020, 12th Phalguna, 1941 (S. E.)

---

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

## NOTIFICATION

The 2nd March, 2020

**No. LLE.07/2020/484.-** The following Bills introduced before the House **on 2<sup>nd</sup> March, 2020** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

## THE COURT-FEES (ASSAM AMENDMENT) BILL, 2020

### A BILL

further to amend the Court-Fees Act, 1870, its application to the State of Assam. Act No. VII  
of 1870

#### Preamble

Whereas it is expedient further to amend the Court-Fees Act, 1870, hereinafter referred to as the principal Act, in its application to the State of Assam in the manner hereinafter appearing;

It is hereby enacted in the Seventy-first Year of the Republic of India, as follows :-

#### Short title, extent and commencement

1. (1) This Act may be called the Court-Fees (Assam Amendment) Act, 2020.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

#### Amendment of section 13

2. In the principal Act, in section 13, in the fifth line, in between the words, "the Collector" and "the full" the following words, "or by way of electronic transfer in such manner as may be prescribed", shall be inserted.

#### Amendment of section 14

3. In the principal Act, in section 14, in the fourth line, in between the words, "the Collector" and "so much" the words, "or by way of electronic transfer in such manner as may be prescribed", shall be inserted.

#### Amendment of section 15

4. In the principal Act, in section 15, in first paragraph ,
  - (i) in the fourth line, in between the words, "the Collector" and "so much" the words, "or by way of electronic transfer in such manner as may be prescribed", shall be inserted; and
  - (ii) in the last line, for the words and symbol "clause (b) or clause (d)", the words and symbol "clause (b) or clause (e) or clause (f)", shall be substituted.

#### Amendment of section 16

5. In the principal Act, in section 16, in the fourth line, in between the words and punctuation mark, "the Collector," and "the full" the words, "or by way of electronic transfer in such manner as may be prescribed", shall be inserted.

#### Amendment of section 25

6. In the principal Act, in section 25, after the words, "stamps", the words, "or electronic transfer of payment to the State Government in such manner as may be prescribed" shall be inserted.

- Amendment of section 27      7. In the principal Act, in section 27, clause (a) shall be renumbered as clause (aa) and before clause (aa) so renumbered the following new clause shall be inserted, namely :-  
“ (a) the manner of electronic transfer of payment of court-fee and its refund thereof ; ”
- Amendment of section 30      8. In the principal Act, in section 30 ,  
in second paragraph, for the punctuation mark “.”, appearing at the end, the punctuation mark “:” shall be substituted and thereafter the following proviso shall be inserted, namely :-  
“ Provided that, where the court-fee is paid by electronic transfer of payment, the Officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court-fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fee is paid and the entry shall be locked.”

**STATEMENT OF OBJECTS AND REASONS**

Under the Court Fees Act, 1870, the court fees, fine, stamp duties etc., payable in the Courts in Assam by the litigant public are paid by way of impressed or adhesive stamps, that causes much inconvenience to the litigants as impressed or adhesive stamps are not readily available. The same also entail huge expenditure to the Government in printing the same. Sometimes, the litigant public have to collect the impressed or adhesive stamps from the Treasury, at the cost of their valuable time. The same also causes much inconvenience to them. There are also instances of paying such fees by fake impressed or adhesive stamps. (Ref. Abdul Karim Telgi's case). E-payment of the court fees, fine, stamp duties etc., will make the payment of the same easier and the same will also do away with the possibility of using fake impressed or adhesive stamps. Therefore, the Government considers it expedient to devise a system to solve this problem. Making provisions for e-payment of the court fees, fine, stamp duties etc., will definitely solve this problem. Further, with the advancement of information technology, introduction of the e-payment of the court fees, fine, stamp duties etc., has also become imperative need.

Hence, the Bill for amendment of the Court Fees Act, 1870.

**SIDDHARTHA BHATTACHARYA,**

Minister of Law & Justice,  
Assam, Dispur.

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The Court-Fees (Assam Amendment) Bill, 2020 is introduced only to facilitate electronic payment of court- fees, hence the Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

**SIDDHARTHA BHATTACHARYA,**

Minister of Law & Justice,

Assam, Dispur.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Court-Fees (Assam Amendment) Bill, 2020, in Section 7, proposes to delegate rule making power to the appropriate government for regulating the manner of electronic transfer of court-fee and its refund thereof.

**SIDDHARTHA BHATTACHARYA,**

Minister of Law & Justice,

Assam, Dispur.



COMPARATIVE STATEMENT

Section	Existing provision	Proposed amendment
13	<p><b>13. Refund of fee paid on memorandum of appeal.</b> – If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Section 351 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:</p> <p>Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.</p>	<p><b>13. Refund of fee paid on memorandum of appeal.</b> – If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in Section 351 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector <i>or by way of electronic transfer in such manner as may be prescribed</i> the full amount of fee paid on the memorandum of appeal:</p> <p>Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.</p>
14	<p><b>14. Refund of fee on application for review of judgment.</b> – Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.</p>	<p><b>14. Refund of fee on application for review of judgment.</b> – Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may in its discretion, grant him a certificate authorizing him to receive back from the Collector <i>or by way of electronic transfer in such manner as may be prescribed</i> so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.</p>

Section	Existing provision	Proposed amendment
15	<p><b>15. Refund where Court reverses or modifies its former decision on ground of mistake.</b> – Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector so much of the fee paid on the [application] as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act No.1, clause (b) or clause(d).</p> <p>But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>	<p><b>15. Refund where Court reverses or modifies its former decision on ground of mistake.</b> – Where an application for a review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or fact, the applicant shall be entitled to a certificate from the Court authorizing him to receive back from the Collector <i>or by way of electronic transfer in such manner as may be prescribed</i> so much of the fee paid on the [application] as exceeds the fee payable on any other application to such Court under the Second Schedule to this Act No.1, <i>clause (b) or clause(e) or clause (f)</i>.</p> <p>But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.</p>
16	<p><b>16. Refund of fee.</b> – Where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 the plaintiff shall be entitled to a certificate from the court authorizing him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.</p>	<p><b>16. Refund of fee.</b> – Where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908 the plaintiff shall be entitled to a certificate from the court authorizing him to receive back from the Collector, <i>or by way of electronic transfer in such manner as may be prescribed</i> the full amount of the fee paid in respect of such plaint.</p>
25	<p><b>25. Collection of fees by stamps.</b> – All fees referred to in Section 3 or chargeable under this Act shall be collected by stamps.</p>	<p><b>25. Collection of fees by stamps.</b> – All fees referred to in Section 3 or chargeable under this Act shall be collected by stamps or electronic transfer of payment to the State Government in such manner as may be prescribed.</p>



Section	Existing provision	Proposed amendment
27	<p><b>27. Rules for supply, number, renewal and keeping accounts of stamps. –</b> The [appropriate Government] may, from time to time, make rules for regulating –</p> <p>(a) the supply of stamps to be used under this Act;</p> <p>(b) the number of stamps to be used for denoting any fee chargeable under this Act;</p> <p>(c) the renewal of damaged or spoiled stamps; and</p> <p>(d) the keeping accounts of all stamps used under this Act;</p> <p>Provided that, in the case of stamps used under Section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.</p> <p>All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.</p>	<p><b>27. Rules for supply, number, renewal and keeping accounts of stamps. –</b> The [appropriate Government] may, from time to time, make rules for regulating –</p> <p>(a) the manner of electronic transfer of payment of court-fee and its refund thereof;</p> <p>(aa) the supply of stamps to be used under this Act;</p> <p>(b) the number of stamps to be used for denoting any fee chargeable under this Act;</p> <p>(c) the renewal of damaged or spoiled stamps; and</p> <p>(d) the keeping accounts of all stamps used under this Act;</p> <p>Provided that, in the case of stamps used under Section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.</p> <p>All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.</p>
30	<p><b>30. Cancellation of stamp. –</b> No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.</p> <p>Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.</p>	<p><b>30. Cancellation of stamp. –</b> No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.</p> <p>Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed:</p> <p><i>Provided that, where the court-fee is paid by electronic transfer of payment, the Officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court-fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fee is paid and the entry shall be locked.</i></p>

**M. K. DEKA,**  
 Principal Secretary,  
 Assam Legislative Assembly.



**THE GUWAHATI MUNICIPAL CORPORATION  
(AMENDMENT) BILL, 2020**

**A  
BILL**

further to amend the Guwahati Municipal Corporation Act, 1969.

Preamble

Whereas it is expedient further to amend the Guwahati Municipal Corporation Act, 1969, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

Assam Act  
No. 1 of  
1973

It is hereby enacted in the Seventy-first Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2020.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Substitution of the word "Gauhati" by the word "Guwahati"

2. In the principal Act, for the word "Gauhati" , wherever it occurs, the word "Guwahati" shall be substituted.

Amendment of sections 51,52,53 and 54

3. In the principal Act, in sections 51,52,53 and 54, for the word "Commissioner" wherever it occurs, the words "State Election Commission" shall be substituted.

### **STATEMENT OF OBJECTS AND REASONS**

The Bill seeks to amend the Gauhati Municipal Corporation Act, 1969- for modification of (i) 'Gauhati' to 'Guwahati' in section 1(1) & section 3(14) and (ii) State Election Commissioner to conduct Municipal Elections instead of Commissioner GMC in section 51, 52, 53 & 54 of the Gauhati Municipal Act 1969.

The Gauhati Municipal Corporation Act, 1969 has adopted the nomenclature of '*Gauhati*' instead of '*Guwahati*' in Section 1(1) of the Gauhati Municipal Corporation Act, 1969'. Further, section 3(14) of the Act states as follows – "*Corporation* means the Municipal Corporation of Gauhati". However, 'Guwahati' instead of '*Gauhati*' is used in numerous Rules and Byelaws framed under the Act. There is also apparent dissimilarity and dichotomy in the same prefix, in their English versus Assamese letters/script. The people residing in the State are entitled as a matter of right to call, depict, use and refer to the name of State Capital '*Guwahati*' without any lingual distortion.

The Guwahati Municipal Corporation (Amendment) Act, 2020 would correct the nomenclature of '*Gauhati*' used in the Principal Act, i.e., the Gauhati Municipal Corporation Act, 1969 to "Guwahati Municipal Corporation Act, 1969."

The Gauhati Municipal Corporation Act, 1969 is a state legislation which, amongst others, regulates the powers and functions of the Gauhati Municipal Corporation. Notifications for election of Councillors when a vacancy occurs are issued by the Commissioner, Gauhati Municipal Corporation in exercise of powers under sections 51 and 52 of the Gauhati Municipal Corporation Act, 1969. However, with the Seventy fourth Amendment of the Constitution of India in 1992 (with effect from 01.06.1993), this power now is vested upon the State Election Commission. Guwahati Municipal Corporation (Amendment) Act, 2020 would correct the said sections i.e. 51, 52, 53 & 54 by replacing the word Commissioner by State Election Commission.

**SIDDHARTHA BHATTACHARYA,**

Minister, Guwahati Development Department etc. Dispur.

**M. K. DEKA,**

Principal Secretary,  
Assam Legislative Assembly.

## **FINANCIAL MEMORANDUM**

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

**SIDDHARTHA BHATTACHARYA,**  
Minister, Guwahati Development Department etc. Dispur.

## **MEMORANDUM OF DELEGATED LEGISLATION**

The present amendment will not create any delegated legislation.

**SIDDHARTHA BHATTACHARYA,**  
Minister, Guwahati Development Department etc. Dispur.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.